

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

LARRY M. MAYFIELD	§	
VS.	§	CIVIL ACTION NO. 9:15-CV-82
ADMINISTRATIVE SEGREGATION SECURITY, <i>et al.</i> ,	§	

ORDER PARTIALLY ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Larry M. Mayfield, a prisoner formerly confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the following defendants: Grievance Investigator Sheila Kahla, Security Sergeant Supervisor John P. Anderson, Security Supervisor Captain P. Coleman, Security Sergeant Supervisor Eric Lane, Security Supervisor Captain Edward B. Sells, Security Supervisor Sergeant Gilbert Rodriguez, Assistant Warden S. Bryant, Sergeant Supervisor Frank Rigsby, Warden B. Thompson, Unit Classification Committee Member J. Shackelford, Maintenance Supervisor Audi Snider, and Security Supervisor Tony Mason.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the complaint be dismissed for failure to state a claim and as frivolous.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Although plaintiff received a copy of the Report and Recommendation on April 14, 2018 (docket entry no. 20), no objections have been filed. This Court was notified in another pending civil rights lawsuit filed by plaintiff that plaintiff passed away on April 21, 2018. Suggestion of Death, 9:15cv80 (docket entry no. 20). The Suggestion of Death was filed on May 8, 2018 ; more than 90 days have passed since its filing.

No motion for substitution has been filed. Pursuant to Federal Rule of Civil Procedure 25(a) (1), this complaint should be dismissed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A Final Judgment will be entered in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **19** day of **August, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, Senior District Judge